

REMARKS

Claims 1-5 were presented for examination and were pending in this application. In the latest Office Action, claim 1 was rejected, and claims 2-5 were allowed. With this amendment, claim 1 is amended. On the basis of the following remarks, consideration of this application and allowance of all pending claims are requested.

In the Office Action, the examiner has maintained the rejection of claim 1 based on admitted prior art (“APA”) in the background section of the present patent application. Applicant previously argued that the APA does not anticipate claim 1 because the APA describes the European system in which one of the 13 possible radio channels is assigned to every base station. As a result of such a system, every base station has the same radio channel. In other words, one of the 13 radio channels will be assigned to every base station, and the other 12 radio channels will be assigned to none of the base stations.

This method disclosed in the APA is not what was claimed in claim 1, where “each radio channel in said determined set of radio channels is assigned substantially an equal number of times.” For example, if there were 130 base stations and 13 possible radio channels, each radio channel would be assigned to about 10 base stations according to the method of claim 1. This is in sharp contrast to the APA, in which one of the radio channels would be assigned to all 130 base stations, and the other 12 radio channels would be assigned to none of the base stations.

Nevertheless, claim 1 has been amended to make this distinction even more clear. Specifically, claim 1 now recites “assigning a radio channel to each base station during manufacture of the base stations, wherein each radio channel is assigned substantially an equal number of times as the other radio channels of said determined set of radio channels.” This

limitation is clearly distinguished from the APA, where only one of the radio channels is assigned to all base stations.

Based on the foregoing, the application is in condition for allowance of all claims, and a Notice of Allowance is respectfully requested. If the examiner believes for any reason direct contact would help advance the prosecution of this case to allowance, the examiner is encouraged to telephone the undersigned at the number given below.

Respectfully submitted,
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